

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SALITO MARQUES GOOD,)	
)	
Petitioner,)	
)	
v.)	1:11CV936
)	1:16CV455
UNITED STATES OF AMERICA,)	1:04CR330-1
)	
Respondent.)	

ORDER

On November 7, 2016, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. The Magistrate Judge recommended that the Petition be granted and that this matter either be set for resentencing or that a corrected Judgment be entered. No party filed objections, and it appears this matter may be concluded by entry of a Corrected Judgment reducing Petitioner's sentence of imprisonment to time served which is greater than the new statutory maximum of 10 years and to a period of 3 years supervised release.

IT IS THEREFORE ORDERED that Petitioner's Motion to vacate, set aside or correct sentence [Doc. #86] is GRANTED, Petitioner's sentence is VACATED, and a Corrected Judgment shall be entered reducing Petitioner's sentence of imprisonment to time served which is greater than the new

statutory maximum of 10 years and to a period of 3 years supervised release. Further, in light of this determination, Petitioner's earlier Motion [Doc. #59] to vacate, set aside, or correct sentence, his Motion [Doc. #87] seeking expedited review, and his Motion [Doc. #91] for bail pending resentencing are DENIED AS MOOT, and that, finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is DENIED.

This the 9th day of December, 2016.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge